

Minneapolis
City of Lakes

Department of Public Works

Klara A. Fabry, P.E.
City Engineer
Director

350 South 5th Street - Room 203
Minneapolis MN 55415

Office 612 673-2352
Fax 612 673-3565
TTY 612 673-2157

Date: July 27, 2006

To: Zimmerschied, Inc.
Mr. John Zimmerschied
4400 Lyndale Av N and 4430 Lyndale Av N
Minneapolis MN 55412

Property ID: 13 118 2119 0019 and 13 118 21 12 0023

Subject: Appeal of Stormwater Charge

This letter is to inform you of the determination by the Director's Designees, resulting from your appeal. Pursuant to the Appeal Procedure described in Section 510.70 of City of Minneapolis Code of Ordinances, Chapter 510, Stormwater Management System and Operation of a Stormwater Utility ("Ordinance"), the Director's Designees examined the property and categorization of the land cover types, and determined that the ESUs should not be further adjusted.

A previous adjustment was made in April 2005 to both accounts, as follows, following your filing of disputes in March 2005:

4400 Lyndale Av N

Gross area of property: 23,180

Customer class of record: Mixed Commercial Residential, Apartment

Baseline runoff coefficient for this customer class, to estimate amount of impervious surface: 0.75

Runoff coefficient that resulted from calculation after dispute was filed: 0.52

<u>Previous</u>		<u>Current</u>	
Number of ESUs (originally billed):	11.36	Number of ESUs (revised):	7.93
2006 rate per ESU:	<u>\$9.17</u>	2006 rate per ESU:	<u>\$9.17</u>
Monthly charge in 2006	\$104.17	Monthly charge in 2006	\$72.72

4430 Lyndale Av N

Gross area of property: 56,653

Customer class of record: Industrial Warehouse - Factory

Baseline runoff coefficient for this customer class, to estimate amount of impervious surface: 0.90

Runoff coefficient that resulted from calculation after dispute was filed: 0.44

<u>Previous</u>		<u>Current</u>	
Number of ESUs (originally billed):	33.33	Number of ESUs (revised):	16.37
2006 rate per ESU:	<u>\$9.17</u>	2006 rate per ESU:	<u>\$9.17</u>
Monthly charge	\$305.64	Monthly charge	\$150.11

This adjustment reflected a revised (reduced) estimate of impervious area on both properties.

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Originally (as per Ordinance) the stormwater charge calculations were determined by multiplying the gross area of each of your individual properties by the "runoff coefficient" for the property's "customer class". As shown in the above chart, the runoff coefficient used initially for 4400 Lyndale was 0.75, and the runoff coefficient used initially for 4430 was 0.90. (The lower the runoff coefficient, the lower the charge.) Because you filed disputes, aerial photos of the properties were analyzed to more accurately estimate the amount of impervious surface. As a result, the runoff coefficient for 4400 Lyndale N was lowered to 0.52, and for 4430 Lyndale N., was lowered to 0.44.

You gave the following reasons for the appeal: (1) economic hardship related to low income from the two properties, (2) your belief that runoff from the public street enters your property, and (3) your belief that most of the stormwater is retained on the site and infiltrates into the soil, and does not drain off to the city storm system.

In regard to (1), the Ordinance does not have a provision for lowering fees due to economic hardship.

In regard to (2), the Department of Public Works will look into whether modifications to the public Right-of-Way can and should be made, in order to limit runoff onto your property.

In regard to (3), the Stormwater Ordinance primarily determines fees according to a property's impervious surface, using nationally recognized criteria for properties according to customer class. However the Ordinance allows additional credit if (a) a site can be demonstrated to have capability for retention of a 10-year or 100-year rainfall event on-site ("quantity" credits), and/or additional credit if (b) measures are taken to cleanse the runoff of any contaminants it picks up as it runs across impervious areas ("quality" credits).

Your fees for 4400 Lyndale and 4430 Lyndale were already reduced 31% and 51%, respectively, to adjust for amount of impervious surface. In order to reduce your fee for 4430 Lyndale further because of the property's sloping characteristics that you believe retain a lot of the rainfall on-site, you would need to apply for a quantity credit, and you would need to include engineering measurements and certification by an engineer or landscape architect that the property or properties will retain a 10-year event or a 100-year rainfall event.

The credit for retaining a 10-year event is 50%, so for the property at 4430 Lyndale, you have already received a reduction of 51%. The only way to reduce it further would be for certification that the property will retain a 100-year event, in which a credit of up to 100% would be possible. Based on our casual observations we do not believe that a 100-year event would be retained, although we have not (and could not) do the calculations or certification. For the property at 4400 Lyndale, you have already received a reduction of 31%, so documented retention of a 10-year event could result an additional credit of \$20.63 per month.

At this time, the "quantity" credit form is intended only for constructed stormwater devices. However, the Department of Public Works is currently examining the process for possible revision, to address sites with on-site retention because of their topography, or slopes. This revision may be applicable to your situation. We propose to monitor the status of such a revision and get in touch

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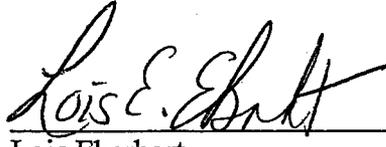
with you at a later date to discuss possible next steps. The stormwater "quantity" and "quality" applications are enclosed for additional explanation.

Please feel free to contact either of us if you have questions.

Director's Designees:



Robert J. Carlson (primary Designee)
(612) 673-3614



Lois Eberhart
(612) 673-3260

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